

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

| | | |
|--------------------------------------|---|---------------------------|
| Jeffrey Smith, et al., <i>pro se</i> |) | CASE NO. 1:12cv648 |
| |) | |
| Plaintiff, |) | JUDGE SPIEGEL |
| |) | |
| v. |) | |
| |) | DEFENDANT'S MOTION |
| City of Cincinnati, et al. |) | TO DISMISS |
| |) | |
| Defendant. |) | |

Now comes Mark Levy, by and through his undersigned counsel, and does hereby move this Court pursuant to FRCP 12(b)(6) to dismiss him from this matter, with prejudice. Mr. Levy is former counsel for the Plaintiff on unrelated matters. Plaintiff, who is proceeding *pro se*, may be under the misimpression that Mr. Levy is required to be involved in his legal actions and therefore named him as a party defendant. However, the papers filed by Plaintiff make no allegations as to Mr. Levy nor do they seek any relief against him. He is not, therefore, necessary or properly named a party to this matter. Therefore, Mr. Levy requests that his Motion be granted and that he be immediately dismissed with prejudice.

Respectfully submitted,

/s/ Thomas L. Feher

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CERTIFICATE OF SERVICE

The foregoing Motion to Dismiss have been served, via regular U.S. Mail, postage-prepaid, upon Jeffrey Smith, 6066 Bayberry Drive, Cincinnati, OH 45242 this 7th day of September, 2012.

/s/ Thomas L. Feher
Thomas L. Feher